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INDIGENOUS PEOPLES AND CANADIAN LAW

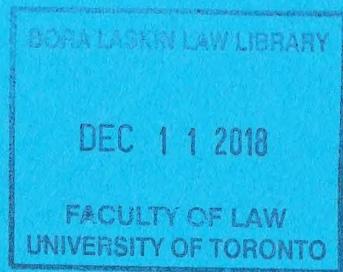
LAW 370H1S

WINTER TERM, 2019

VOLUME TWO

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272 *R. v. Sparrow*, [1990] 1 S.C.R. 1075, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/609/index.do> [excerpts]

282 *R. v. Van der Peet*, [1996] 2 S.C.R. 507, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1407/index.do> [excerpts]

293 (*Grand Chief Mike*) *Mitchell v. Canada (Minister of National Revenue)*, 2001 SCC 33, [2001] 1 S.C.R. 911, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1869/index.do> [excerpts]

302 *Lax Kw'alaams Indian Band v. Canada (Attorney General)*, 2011 SCC 56, [2011] 3 S.C.R. 535, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7972/index.do> [excerpts]

308 *R. v. Adams*, [1996] 3 S.C.R. 101, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1420/index.do> [excerpts]

313 *R. v. Côté*, [1996] 3 S.C.R. 139, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1421/index.do> [excerpts]

314 *R. v. Sappier; R. v. Gray*, 2006 SCC 54, [2006] 2 S.C.R. 686, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2329/index.do> [excerpts]

320 *R. v. Powley*, 2003 SCC 43, [2003] 2 S.C.R. 207, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2076/index.do> [excerpt]

327 Russel Lawrence Barsh & James Youngblood Henderson, "The Supreme Court's Van der Peet Trilogy: Naïve Imperialism and Ropes of Sand" (1997) 42 McGill L.J. 993 [excerpts; notes omitted]

334 *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do> [excerpt]

337 *R. v. Horseman*, [1990] 1 S.C.R. 901, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/600/index.do> [excerpts]

341 *R. v. Gladstone*, [1996] 2 S.C.R. 723, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1409/index.do> [excerpts]

345 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> [excerpts]

347 *Mabo v. Queensland (No. 2)* (1992), 175 C.L.R. 1 (H.C. Australia) <https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1992/23.html> [excerpts]

350 *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do> [excerpts]

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359 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> [excerpts]

364 *Chippewas of Sarnia Band v. Canada (A.G.)* (2000), 51 O.R. (3d) 641 (C.A.), <https://www.canlii.org/en/on/onca/doc/2000/2000canlii16991/2000canlii16991.html> [excerpts]

374 Canada, Report of the Royal Commission on Aboriginal Peoples (1996), vol. 1, 173-176

376 Alexander Morris, *The Treaties of Canada with the Indians of Manitoba and the Northwest Territories* (Toronto: Belfords, Clarke & Co., 1880) [excerpts]

382 Treaty No. 3 Between Her Majesty the Queen and the Saulteaux Tribe of the Ojibbeway [sic] Indians at the Northwest Angle on the Lake of the Woods (1873), <http://www.aadnc-aandc.gc.ca/eng/1100100028675/1100100028679> [excerpts]

385 *R. v. Simon*, [1985] 2 S.C.R. 387, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/93/index.do> [excerpts]

392 *R. v. Sioui*, [1990] 1 S.C.R. 1025, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/608/index.do> [excerpts]

404 *Campbell v. B.C. (A.G.)* 2000 BCSC 1123, 189 D.L.R. (4th) 333, <https://www.canlii.org/en/bc/bcsc/doc/2000/2000bcsc1123/2000bcsc1123.html> [excerpts]

415 *R. v. Howard*, [1994] 2 S.C.R. 299, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1138/index.do> [excerpts]

418 *R. v. (Donald) Marshall*, [1999] 3 S.C.R. 456, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1739/index.do> [excerpts]

427 *R. v. Badger*, [1996] 1 S.C.R. 771, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1366/index.do> [excerpts]

435 *Grassy Narrows First Nation v. Ontario (Natural Resources)*, 2014 SCC 48, [2014] 2 S.C.R. 447, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14274/index.do> [excerpts]

439 *R. v. (Donald) Marshall* (rehearing application), [1999] 3 S.C.R. 533, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1740/index.do> [excerpts]

440 W.I.C. Binnie, "The Sparrow Doctrine: Beginning of the End or End of the Beginning?" (1990) 15 Queen's L.J. 217 [excerpts]

446 *R. v. Nikal*, [1996] 1 S.C.R. 1013, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1376/index.do> [excerpts]

448 *R. v. Gladstone*, [1996] 2 S.C.R. 723, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1409/index.do> [excerpts]

452 *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44, [2014] 2 S.C.R. 257 <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do> [excerpts]

455 *Haida Nation v. B.C. (Minister of Forests)*, 2004 SCC 73, [2004] 3 S.C.R. 511, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2189/index.do> [excerpts]

465 *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69, [2005] 3 S.C.R. 388, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2251/index.do> [excerpts]

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473 *Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council*, 2010 SCC 43, [2010] 2 S.C.R. 650, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7885/index.do> [excerpts]

479 *Beckman v. Little Salmon/Carmacks First Nation*, 2010 SCC 53, [2010] 3 S.C.R. 103, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7896/index.do> [excerpts]

485 *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, 2017 SCC 40, [2017] 1 S.C.R. 1069, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16743/index.do> [excerpts]

490 *Chippewas of the Thames First Nation v. Enbridge Pipeline Inc.*, 2017 SCC 41, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16744/index.do> [excerpts]

495 *Ktunaxa Nation v. British Columbia (Forests, Lands and Natural Resource Operations)*, 2017 SCC 54, [2017] 2 S.C.R. 386, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/16816/index.do> [excerpts]

499 *Mikisew Cree First Nation v. Canada (Governor General in Council)*, 2018 SCC 40, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/17288/index.do> [excerpts]

505 *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1704/index.do> [excerpts]

512 Draft Legal Text, Charlottetown Accord, October 9, 1992 [excerpts]

519 *Delgamuukw v. B.C.*, [1993] 5 W.W.R. 97 (B.C.C.A.), <https://www.canlii.org/en/bc/bcca/doc/1993/1993canlii4516/1993canlii4516.html> [excerpts]

522 Kenneth J. Tyler, "Another Opinion: A Critique of the Paper Presented by the Royal Commission on Aboriginal Peoples Entitled: 'Partners in Confederation'" in *The Inherent Right of Self-Government*, Continuing Legal Education Program, Canadian Bar Association (Toronto, 1994) [excerpts]

530 Roger Gibbins, "Citizenship, Political, and Intergovernmental Problems with Indian Self-Government" in J. Rick Ponting, ed., *Arduous Journey: Canadian Indians and Decolonization* (Toronto: McClelland & Stewart, 1986) 369-377

535 Patrick Macklem, "First Nations Self-Government and the Borders of the Canadian Legal Imagination" (1991) 36 McGill L.J. 382 [excerpts]

538 Catherine Bell & Michael Asch, "Challenging Assumptions: The Impact of Precedent in Aboriginal Rights Litigation" in Michael Asch, ed., *Aboriginal and Treaty Rights in Canada: Essays on Law, Equity and Respect for Difference* (Vancouver: UBC Press, 1997) [excerpts]

543 Canada, Report of the Royal Commission on Aboriginal Peoples, vol. 2 (Ottawa: Minister of Supply and Services, 1996) [excerpts]

561 *Casimel v. Insurance Corp. of British Columbia* (1993), 106 D.L.R. (4th) 720 <https://www.canlii.org/en/bc/bcca/doc/1993/1993canlii1258/1993canlii1258.html> (B.C.C.A.) [excerpt]

563 *R. v. Pamajewon*, [1996] 2 S.C.R. 821, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1411/index.do> [excerpts]

565 *Delgamuukw v. B.C.*, [1997] 3 S.C.R. 1010, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/1569/index.do> [excerpts]

566 *Talton v. Mayes*, 163 U.S. 376 (1896) [excerpts]

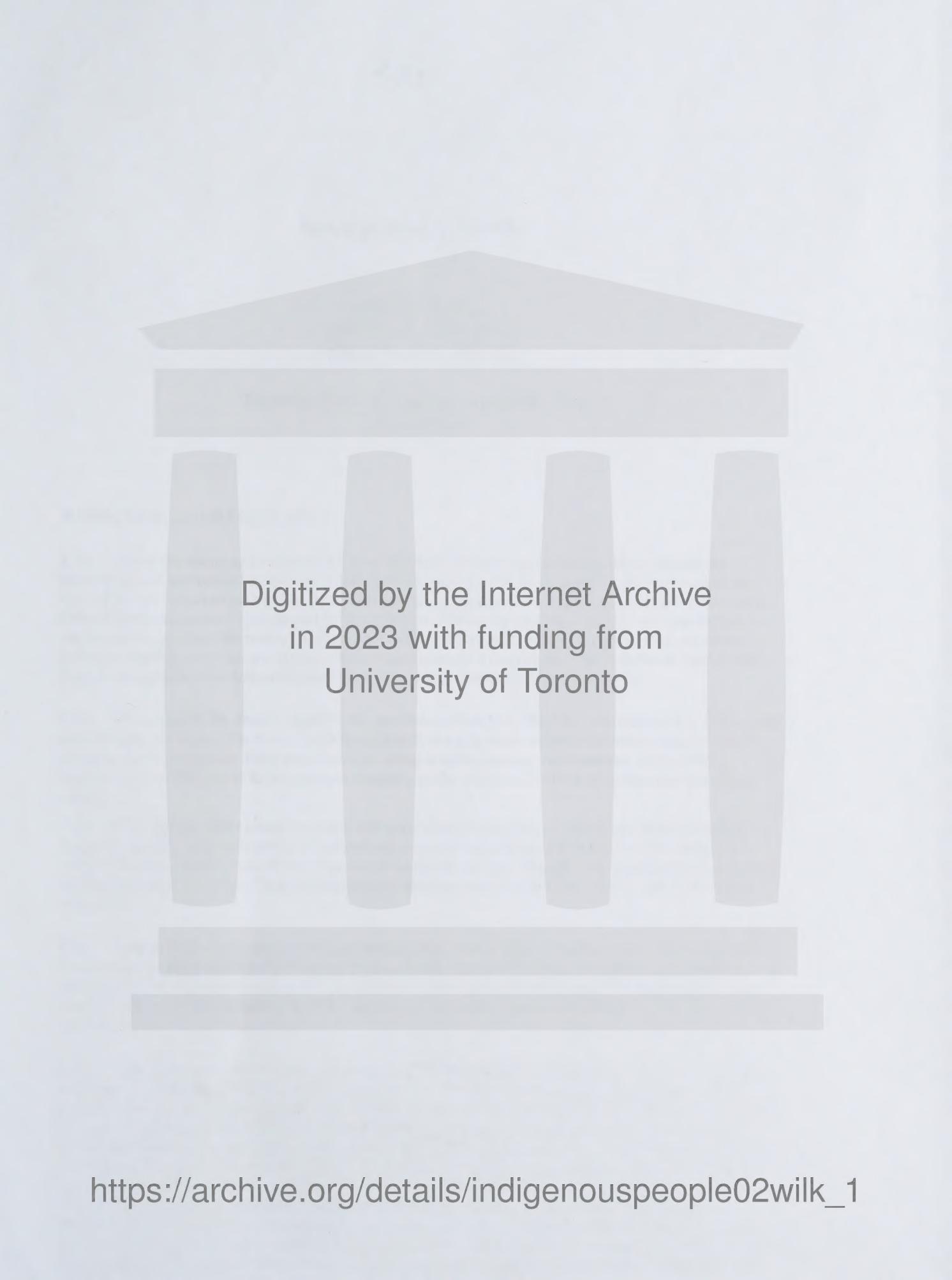
567 *Santa Clara Pueblo v. Martinez*, 463 U.S. 49, 98 S.Ct. 1670 (1978) [excerpts]

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574 Kent McNeil, "Aboriginal Governments and the *Canadian Charter of Rights and Freedoms*" (1996) 34 Osgoode Hall L.J. 61 [excerpts]

584 Menno Boldt & J. Anthony Long, "Tribal Philosophies and the Canadian Charter of Rights and Freedoms" in Menno Boldt & J. Anthony Long, eds., *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights* (Toronto: U of T Press, 1985) 165-179

592 *R. v. Kapp*, [2008] 2008 SCC 41, 2 S.C.R. 483, <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/5696/index.do> [excerpts]



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